

Message

From: Dan Berlin [dberlin@anchorqea.com]
Sent: 9/18/2018 12:36:36 AM
To: Mednick, Richard [Mednick.Richard@epa.gov]; Black, Elizabeth [Black.E@portseattle.org]
CC: thomas.newlon@stoel.com; Brick Spangler [Spangler.B@portseattle.org]
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute
Attachments: EW FS_FINAL_Appendix A_Port 9-13-2018 differences from EPA markup_highlights.docx

Richard,

Attached is a redline version with highlights showing which EPA edits from the Aug 28 version were retained, deleted, or modified. Hopefully this will help make your review more efficient.

Thanks

Dan

Dan Berlin

206-903-3322
ANCHOR QEA, LLC

From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Monday, September 17, 2018 10:01 AM
To: Black, Elizabeth <Black.E@portseattle.org>
Cc: Dan Berlin <dberlin@anchorqea.com>; thomas.newlon@stoel.com
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Elizabeth,

Thank you. This will make our review quite a bit easier.

Richard

From: Black, Elizabeth [<mailto:Black.E@portseattle.org>]
Sent: Monday, September 17, 2018 8:47 AM
To: Mednick, Richard <Mednick.Richard@epa.gov>; thomas.newlon@stoel.com
Cc: dberlin@anchorqea.com; Black, Elizabeth <Black.E@portseattle.org>
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Hi Richard,

Sorry about that — since we had multiple reviewers, the various redlines got unwieldy so we provided a “clean” version comparing our changes (which accepted many of EPA’s edits) to the original November 2017 version.

We can make a different comparison version showing our changes to EPA’s August version — Dan or Tom, could you please send this to Richard as soon as you get a chance? I’m working at home and am not as nimble this week.

Thanks,

Elizabeth

From: Mednick, Richard [<mailto:Mednick.Richard@epa.gov>]
Sent: Friday, September 14, 2018 3:25 PM
To: Black, Elizabeth; thomas.newlon@stoel.com
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Elizabeth and Tom,

The revised version of Appendix A that was provided to EPA yesterday does not show all of the red-lines/edits/mark-ups that were made by the Port to the version of Appendix that EPA submitted to the Port prior to our most recent meeting. Many EPA-proposed changes are simply missing rather than being red-lined/struck. This makes review and consideration of proposed changes much more time consuming and confusing for me (and I suspect for others), as I now need to compare two the documents side by side and line by line in order to understand all of the differences.

Richard

Richard Mednick
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Regional Judicial Officer
U.S. EPA | Region 10
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(206) 553-1797

From: Black, Elizabeth [<mailto:Black.E@portseattle.org>]
Sent: Thursday, September 13, 2018 2:51 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: bahnick.k@portseattle.org; Spangler, Brick <Spangler.B@portseattle.org>; Newlon, Thomas A. <thomas.newlon@stoel.com>; dberlin@anchoragea.com; Black, Elizabeth <Black.E@portseattle.org>
Subject: RE: Appendix A EPA Revisions for Negotiation of Dispute

Hi Richard,

Following up on our discussion two weeks ago, attached is a revised version of Appendix A that incorporates many of EPA's revisions proposed in your August 28 draft and also includes new language discussing the modeling uncertainty issues that we discussed at our meeting.

I don't recall that we set a timeframe for next steps; please let us know when you think EPA will be able approve or disapprove this version. Following our tradition of two weeks would be September 27.

Thank you,

Elizabeth

From: Mednick, Richard [<mailto:Mednick.Richard@epa.gov>]
Sent: Tuesday, August 28, 2018 4:19 PM
To: Newlon, Thomas A.
Cc: Grandinetti, Cami; Blocker, Shawn; Sanga, Ravi; Hiltner, Allison; Patten, Kayla M CIV USARMY CENWS (US); Gardiner, William W CIV USARMY CENWS (US)
Subject: Appendix A EPA Revisions for Negotiation of Dispute

Hi Tom,

For purpose of a negotiated resolution to the dispute initiated by the Port of Seattle (Port) under the ASAO for the EWOU, please find the attached version of Appendix A to the FS with revisions that EPA views as necessary.

EPA has worked diligently on this document in order to provide a version that meets the needs of the Port while maintaining, at a minimum, the accuracies and distinctions seen as essential by EPA. EPA, with assistance from the Army Corps. of Engineers, will be prepared to explain its rationale for the alterations, should that be needed tomorrow.

We look forward to meeting with the Port tomorrow to discuss this matter and hope to reach a resolution of the dispute at that time.

Thank you,

Richard

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